

FROM:	TO:	ER NO.
Barry Goldwater and Patrick Moynihan Congress	DCI	82-0666
		DATE
		3 Mar 82
		CLASS.
	B-227	none

SUB: Ltr: RE: CNSS v. CIA C.A. 80-1235 (D.D.C.): The Senate Select committee on Intelligence has been informed that certain Congressional materials, currently in the physical possession of your Agency have been made the object of the above civil action.

8 Mar 82 Orig to DCI via ES fm mail.

9 Mar 82 Orig to D/OEA f/action fm D/ES: cys f/info to DCI: DDCI: EXDIR : OGC: ES: ER via R.B. Ext Sus 11 Mar 82.

1

SUSPENSE DATE : 11 Mar 82

ACTION OFFICE(S) : D/OEA

FIRST REMINDER SENT :

SUSPENSE DATE EXTENDED TO:

SECOND REMINDER SENT :

DATE OFFICE CALLED & CURRENT STATUS :

DATE COMPLETED :

ER: PER OEA no response required.

B-227

EXECUTIVE SECRETARIAT
Routing Slip

ER

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	EXDIR		✓		
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		✓		
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA	✓			
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
20	<i>ES</i>		✓		
21					
22					

SUSPENSE 11 MARCH
Date

Remarks:

Please provide a response for the DCI's Signature.

25X1

S/ Executive Secretary
3/8/82
Date

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

Executive Registry
 82-0666

Rec'd 8/1/82

IN REPLY PLEASE
 REFER TO # 8276

March 3, 1982

The Honorable William J. Casey
 Director
 Central Intelligence Agency
 Washington, D.C. 20505

RE: CNSS v. CIA, C.A. 80-1235 (D.D.C.)

Dear Mr. Casey:

The Senate Select Committee on Intelligence has been informed that certain Congressional materials, currently in the physical possession of your Agency, have been made the object of the above civil action. More specifically, the Committee understands that the records requested include material and information prepared for its predecessor Committee in response to that Committee's express interest and specific questions put to your Agency.

We oppose the release of these documents. We take this stand based on the Congressional document exemption to the Freedom of Information Act.

This Committee (pursuant to S.Res. 400, 94th Congress), and its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities (pursuant to S.Res. 21, 94th Congress), have exchanged with your Agency considerable information and documents of a very sensitive nature. For historical and practical reasons, this exchange of information and documents is an essential part of the consultative and deliberative process between the two branches. It is essential that this process continue if this Committee is to discharge its Constitutional obligations to the U.S. Senate and the American people.

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The Honorable William J. Casey
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March 3, 1982

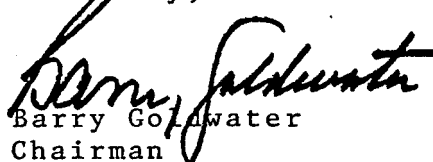
The intent that these kinds of documents at issue in this case remain under Congressional control is evident from the responsibilities and policies of this Committee and its predecessor. In furtherance of this intent, it has been the practice of the intelligence agencies to maintain the confidentiality of such documents in their possession and to withhold them in response to FOIA and similar requests unless and until authorized by the Committee.


When this Committee completes its work in an area, it carefully weighs all relevant considerations and then determines, according to the applicable Senate rules, what information can and should be released to the public. Consistent with this approach, strict security procedures are in effect for all of the Committee's intelligence records.

For the above reasons, we consider all documents generated by our Committee and those generated at an Agency pursuant to our request to be Congressional documents and therefore exempt under the Freedom of Information Act. We have taken this same position in writing for over three years, the time when we were first notified of Freedom of Information Act requests for Congressional documents which were in the physical possession of Agencies.

This Committee's predecessor published extensive reports on its findings regarding the intelligence relationship with the media, the subject of the above civil action. However, that Committee did not find it necessary or advisable to make available all details regarding the conduct of its investigation and the data assembled. This Committee feels that further release of information to the public collected by its predecessor is not warranted at this time.

Sincerely,


Barry Goldwater
Chairman


Daniel Patrick Moynihan
Vice Chairman